

Alabama State Board of Social Work Examiners

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama State Board of Social Work Examiners

RULE NO. & TITLE:

Alabama Board of Social Work Examiners Administrative Code
Chapters 1 - 10

INTENDED ACTION:

Edited and amending Administrative Code for Social Work

SUBSTANCE OF PROPOSED ACTION:

Removing repeated law; Renumbering Code Sections; Changing titles for social workers; Adding "assessments and opinions" to social work definition; Requiring Clinical Education; Requiring education in supervision for supervisors; Removing the requirement to renew Certifications (PIP's) and removing the requirement of the additional 20 hours of CE for the PIP.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

A Public Hearing will be held September 8, 2016, 9:30AM, 100 North Union Street, Suite 300, Montgomery AL 36104

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Written comments may be sent to Alabama State Board of Social Work Examiners at: 100 North Union Street, Suite 736, Montgomery AL 36130-1620. All written comments must be received by 4:30PM September 7, 2016.

CONTRACT PERSON AT AGENCY:

Brenda W. Holden, 334/242-5860

Brenda W. Holden
Signature of Officer

STATE BOARD OF SOCIAL WORK EXAMINERS

ADMINISTRATIVE CODE
CHAPTER 850-X-1
GENERAL PROVISIONS

~~850-X-1-.03 Composition And Selection Of Board.~~ The Board is composed of seven members appointed by the Governor from each of the United States Congressional Districts. Four members shall be licensed certified social workers; two members shall be licensed graduate social workers; one member shall be a licensed bachelor social worker. Board members serve three year terms and are limited to two consecutive terms.

~~Author:~~ Robert M. Weinberg, Assistant Attorney General.

~~Statutory Authority:~~ Code of Ala. 1975, §34-30-50(a) (1996 Supp.); §34-30-51 (1991).

~~History: Repealed and Replaced:~~ Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998 (See Rule 850-X-1-.19).

850-X-1-.04 03 General Description of Organization and Operation. The Board is an independent agency of the State of Alabama. All costs of operating the Board, including administrative, secretarial, clerical, investigative and legal, are paid by fees collected by the Board. The Attorney General and his/her assistants provide legal services to the Board. The Board may utilize the assistance of licensed social workers as voluntary advisory panel members to assist the Board in complying with these rules.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §41-22-4(a) (1) (1991).

History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998 (See Rule 850-X-1-.19).

~~850-X-1-.05 Officers.~~

~~(1) Election.~~ The Board annually elects the following officers: chairman, vice chairman and secretary.

~~(2) Compensation and expenses.~~ Board members shall be compensated on a per diem basis, not to exceed the current per diem allowed for state employees, for days actually spent in performance of their duties.

~~Author:~~ Robert M. Weinberg, Assistant Attorney General

~~Statutory Authority:~~ Code of Ala. 1975, §34-30-54 (1991).

~~History: Repealed and Replaced:~~ Filed: October 31, 1997; Operative December 5, 1997; effective date January 1, 1998 (See Rule 850-X-1-.19).

850-X-1-.06 04 Employment of Personnel. The Board may employ investigators, attorneys and any other agents and employees and assistants as may from time to time be necessary to bring about and maintain a rigid administration and enforcement of Alabama law regulating the practice of social work.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §41-22-4(a) (1) (1991); §41-22-6 (1996 Supp.).

History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective date January 1, 1998 ~~(See Rule 850-X-1-.19).~~

850-X-1-.07 05 Executive Director. The Board shall employ an executive director who shall be responsible for the administration and execution of Board policy. The executive director is designated as agent for the Board for service of legal process upon the Board. All correspondence to the Board, including requests for information and all submissions and other requests should be made to the executive director at the Board's headquarters as follows:

Executive Director
Alabama State Board of Social Work Examiners
RSA Union Building
100 No. Union Street, Suite 736
Montgomery, Alabama 36130-1620

Author: Alabama State Board of Social Work Examiners
Statutory Authority: Code of Ala. 1975, §41-22-4(a) (1) (1991); §41-22-6 (1996 Supp.).
History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998 ~~(See Rule 850-X-1-.19).~~

850-X-1-.08 06 Rules of Order. All proceedings of the Board shall be governed by Robert's Rules of Order, latest revised edition, except during disciplinary hearings and except where otherwise provided in these rules.

Author: Alabama State Board of Social Work Examiners
Statutory Authority: Code of Ala. 1975, §41-22-4(a) (2) (1991).
History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998.

~~**850-X-1-.09 Order Of Business.** The normal order of business for a meeting shall be as follows unless otherwise amended by a majority vote of the Board present at the meeting:~~

- ~~(1) Call to order.~~
- ~~(2) Verification by the executive director that a quorum of members is present.~~
- ~~(3) Approval of minutes of last meeting.~~
- ~~(4) Interview of applicants notified or requested to appear.~~
- ~~(5) Consideration of applications for licensure or certification.~~
- ~~(6) Hearings to be held - public and/or disciplinary.~~
- ~~(7) Committee reports.~~
- ~~(8) Correspondence (communications).~~
- ~~(9) Unfinished business.~~
- ~~(10) New business.~~
- ~~(11) Open forum. Any person wishing to address the Board must make arrangements with the Board executive director at least ten (10) days in advance of the scheduled Board meeting requesting to be placed on the agenda and shall identify the topic or subject matter they intend to present. Unless otherwise modified by a majority of the Board present, presentations shall be limited in duration to no more than fifteen (15) minutes.~~

~~(12) Adjournment.~~

~~**Author:** Robert M. Weinberg, Assistant Attorney General~~

~~**Statutory Authority:** Code of Ala. 1975, §41-22-4(a) (2) (1991).~~

~~**History:** Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998 (See Rule 850-X-1-.19).~~

~~**850-X-1-.10 Quorum.** A quorum of the Board shall consist of four members of the Board, except in the case of final decisions incident to disciplinary proceedings in which case a quorum shall consist of five members of the Board.~~

~~**Author:** Robert M. Weinberg, Assistant Attorney General~~

~~**Statutory Authority:** Code of Ala. 1975, §§34-30-5; 34-30-56 (1991).~~

~~**History: New Rule:** Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998 (See Rule 850-X-1-.19).~~

850-X-1-.11 07 Meetings.

~~(1) The Board shall hold at least two regular meetings each calendar year in Montgomery to conduct its business. Special meetings may be called as necessary by the chairman or may be called upon the written request of a quorum of the Board and may be held at any place agreed upon by a quorum of the Board.~~

(21) Each member of the Board shall be given five business days notice of the time, place, and purpose of any special meeting by the executive director, unless such notice is waived by the individual member or unless such member is present at the called meeting.

(32) Failure of any Board member to attend any three consecutive regular meetings shall be considered cause for removal as provided in Code of Ala. 1975, §34-30-55 (1991).

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §34-30-56 (1991).

History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998 (See Rule 850-X-1-.19).

850-X-1-.12 08 Voting. All members of the Board, including the chairman, are entitled to vote and to make or second motions. A majority of those members of the Board present and voting on any matter shall decide that matter before the Board, except on procedural and evidentiary matters which are provided for elsewhere in the Rules. The chairman shall vote as a member of the Board.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §41-22-4(a) (2) (1991).

History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998 (See Rule 850-X-1-.19).

850-X-1-.13 Use Of Forms. All applications and requests for which the Board has prescribed a form must be made on the prescribed form. Copies of forms in use and instructions for their completion are available from the executive director.

Author: Robert M. Weinberg, Assistant Attorney General

Statutory Authority: Code of Ala. 1975, §§41-22-4(a) (1), (2) (1991).

History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998 (See Rule 850-X-1-.19).

850-X-1-.14 09 Records.

(1) "Public record" for the purpose of these rules means all Board records which are reasonably necessary to record the business and activities required to be done or carried on by the Board so that the status and condition of such business and activities can be known to the public. Records which do not constitute "public records" include, but are not limited to, those received by a public officer in confidence, sensitive personnel records, applications for licensure or certification, complaints against licensees or applicants, patient or client records, and records the disclosure of which would be detrimental to the best interests of the public.

(2) Specific public records are available for inspection at Board headquarters during regular business hours.

(3) Any person wishing to obtain copies of specific public records may request same from the executive director, and will be supplied copies upon payment of the cost of copying, handling and postage, which costs will be estimated and set from time to time by resolution of the Board.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §31-22-4(a) (1991).

History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998 ~~(See Rule 850-X-1-.19).~~

850-X-1-.15 10 Registry. The Board shall, no less than annually, compile and publish a registry of the names and addresses of all persons licensed and certified to practice social work in Alabama. Copies of the registry shall be made available to the public upon request and upon payment of a fee necessary to cover the administrative costs of publication to be set from time to time by resolution of the Board.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §34-30-57(3) (1991).

History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998 ~~(See Rule 850-X-1-.19).~~

850-X-1-.16 11 Declaratory Rulings.

(1) The Board may issue declaratory rulings to any person substantially affected by a rule with respect to the validity of the rule, or with respect to the applicability to any person, property, or state of facts of any rule or statute enforceable by the Board, or with respect to the meaning and scope of any order of the Board. Such rulings shall be issued provided:

(a) The petitioner shows that he/she is substantially affected by the rule in question;

(b) Sufficient facts are supplied in the request to permit the Board to make a valid determination; and

(c) The request arises from an actual question or controversy.

(2) A petition for a declaratory ruling shall contain the following minimum information:

(a) A title reflecting that the petition seeks a declaratory ruling on a rule or rules.

(b) The petitioner's name, address and telephone number.

(c) A statement identifying all rules or statutes that may be involved in the petition, if known.

(d) A clear and concise statement of the precise factual situation involved.

- (e) The exact question to which an answer is required.
 - (f) The reason for submitting the petition.
 - (g) Full disclosure of the petitioner's interest.
 - (h) A statement as to whether the petitioner's case or question presented is presently under consideration by the Board or by any judicial or quasi-judicial body in any pending proceedings, and, if so, where.
 - (i) A certification and signature of petitioner before a notary public or other person authorized by law to administer oaths that the information contained in the petition is true and correct to the best of petitioner's information and belief, and that the petition has not been filed for any improper purposes, or for delay or harassment.
- (3) Failure or refusal to completely disclose or provide the minimum information required by these rules shall be grounds for dismissal of the petition.
- (4) Declaratory rulings shall not issue with respect to generalized grievances or matters that are currently pending before the Board or any judicial or quasi-judicial body in any proceeding, contested case or litigation, nor may be utilized as a means of collateral attack on or appellate review of any final decision of the Board, or any judicial or quasi-judicial body.
- (5) Such rulings will be made in accordance with the Alabama Administrative Procedure Act, Code of Ala. 1975, §41-22-11 (1991).
- Author:** Alabama State Board of Social Work Examiners
Statutory Authority: Code of Ala. 1975, §41-22-11 (1991).
History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998 (~~See Rule 850-X-1-.19~~).

850-X-1-.17 12 Petitions for Adoption, Repeal, or Change of Rule.

- (1) Any person may petition the Board for the adoption of a new rule or for the repeal or change of any existing rule.
- (2) Action by the Board on any such petition shall be as provided in ALA. CODE § 41-22-8 (1991).
- (3) In order to be considered, a petition for a rule change shall be in writing and contain the following minimum information:
 - (a) A title reflecting that the petition seeks the adoption of a new rule, or the modification or repeal of an existing rule or rules.
 - (b) The petitioner's name, address, and telephone number.
 - (c) A statement identifying all rules or statutes that may be involved should the relief sought in the petition be granted in whole or in part.
 - (d) A clear and concise statement or narrative as to why the new rule, or modification or repeal of an existing rule is needed, specifying:
 - 1. the persons or class of persons it would affect and how it would affect them;
 - 2. the benefits and disadvantages of the proposed rule, modification or repeal;
 - 3. the estimated cost or cost savings to the Board or the public;
 - 4. any other reasons why the rule, modification, or repeal should be accepted by the Board;
 - 5. the legal authority for the proposed rule, modification or change;
 - 6. the names and complete addresses of any persons, firms, organizations, and the identity of any class of persons known to the

petitioner who would be or could be adversely affected by the proposed rule, modification or repeal.

(e) The reason for submitting the petition, if not apparent from the face of the petition.

(f) Full disclosure of the petitioner's interest.

(g) A statement as to whether the issues presented by the petition are presently under consideration by the Alabama State Board of Social Work Examiners or by any judicial or quasi-judicial body in any pending proceedings, and, if so where.

(h) A certification and signature of Petitioner before a notary public or other person authorized by law to administer oaths that the information contained in the petition is true and correct to the best of petitioner's information and belief, and that the petition has not been filed for any improper purposes, or for delay or harassment.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §41-22-8 (1991).

History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998 ~~(See Rule 850-X-1-.19).~~

850-X-1-.18 13 Severability. If any of the rules and regulations of the Board which shall be known as the Alabama State Board of Social Work Examiners Administrative Code, or any sentence, paragraph, phrase or word thereof is construed by the courts to be invalid for any reason, it is the intention of the Board that the remainder shall continue in full force and effect; that is, it is the intention of the Board that each rule and/or any portion thereof, is severable.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §41-22-8 (1991).

History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998 ~~(See Rule 850-X-1-.19).~~

850-X-1-.19 Effective Date. These rules shall take effect on January 1, 1998 and shall govern the conduct of all persons licensed by the Board. The rules govern all proceedings in actions brought before the Board after they take effect and also all further proceedings in actions then pending, except to the extent that in the opinion of the Board their application in a particular action pending when the rules take effect would not be feasible or would work injustice, in which event the former rule or procedure applies.

Author: Robert M. Weinberg, Assistant Attorney General

Statutory Authority: Code of Ala. 1975, §41-22-4(a)(2) (1991).

History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998 ~~(See Rule 850-X-1-.19).~~

CHAPTER 850-X-2
DEFINITIONS

850-X-2-.01 Definitions of Terms.

(1) To the extent not defined within these rules and regulations, Code of Ala. 1975, §34-30-1 (1991) also provides for definitions of the following terms: Board; Social Work; Social Work Practice; Social Work Specialty; Social Work Method; Full-Time Social Work; Part-Time Social Work.

(2) **Social Work Practice.** The Board defines social work practice as including both direct and indirect practice. Direct practice includes the delivery of services to individuals, families, groups, and communities. Indirect practice includes conducting research into problems of human behavior and conflict, and applying principles and techniques of consultation, social planning, administration, and supervision. The teaching of social work by an individual employed in social work education and presenting him/herself to the public as a social worker is considered social work practice.

(3) **Social Work Method.** Areas of practice methods include the following:

(a) **Social Casework.** A method of helping people based on knowledge, understanding, and the use of techniques skillfully applied to helping individuals solve and manage problems. It is individualized and although scientific, i.e., derives its understanding from the disciplines of science, also includes artistic effort. It helps individuals with personal as well as external environmental difficulties. It is a matter of helping through a relationship that taps personal and other resources for coping with problems. Interviewing is a major tool of social casework.

(b) **Clinical Social Work Practice.**

1. Clinical social work shares with all social work practice the goal of enhancement and maintenance of psychosocial functioning of individuals, families, and small groups. Clinical social work practice is the professional application of social work theory and methods to the treatment and prevention of psychosocial dysfunction, disability, or impairment, including emotional and mental disorders. It is based on knowledge of one or more theories of human development within a psychosocial context. The perspective of person-in-situation is central to clinical social work practice. **Clinical social work includes interventions directed to interpersonal interactions, intrapsychic dynamics, and life support and management issues.**

2. Clinical social work services consist of assessment; diagnostic impression; treatment, including psychotherapy and counseling; client-centered advocacy; and evaluation. It includes direct client intervention, client centered supervision and client centered consultation. It involves the scientific, artful, ethical application of social work theories and methods of assessment, **opinions,** diagnostic impression, prevention and treatment. Assessment of interpersonal relationships, mental health status, family dynamics, environmental stresses and supports, social systems and the impact of physical, emotional and mental illness and disability on functioning are the emphasis of clinical social work practice.

3. Clinical social work also includes crisis intervention, case management and client centered advocacy. Treatment methods are designed to provide the client and opportunity to express himself or herself, and foster an atmosphere of candid self observation,

expectations of change and amenability to the social worker's efforts to facilitate such change.

4. The primary focus of the clinical social worker is on the needs, interests and welfare of the client. The goal of clinical social work practice is to relieve a client's psychosocial distress; to help the client to modify barriers that are preventing the client from realizing his or her human potential or enjoying rewarding interpersonal relationships; and to improve the overall functioning of the client. The basic value postulates of social work practice are essential to the process.

(c) **Community Organization.** A conscious process of social interaction and method of social work concerned with bringing about and maintaining adjustment between needs and resources in a community or other areas; helping people to deal more effectively with their problems and objectives by helping them develop, strengthen and maintain qualities of participation, self-direction and cooperation, and bringing about changes in community and group relationships and in the distribution of decision-making power. The community is the primary client in community organizations. The community may be an organization, neighborhood, city, county, state or national entity.

~~(d) **Social Work Research.** The professional study of human capabilities and practice of social work specialties, including direct and indirect practice, through the formal organization and the methodology of data collection and the analysis and evaluation of social work data.~~

~~(e) **Social Work Administration.** The practice concerned primarily with translating laws, technical knowledge and administrative rulings into organizational goals and operational policies to guide organizational behavior; designing organizational structure and procedures or processes through which social work goals can be achieved; and securing resources in the form of material, staff, clients and societal legitimation necessary for goal attainment and organizational survival.~~

(4) **Psychosocial Assessment.** The determination of psychosocial functioning involves a comprehensive process, assessment and evaluation conducted by the social worker in order to learn about the client. It includes four levels of analysis: the individual; the interpersonal system; the family unit and the family's interchange with its social network; and other environmental or ecological factors. Interviewing is the major tool of psychosocial assessment. Psychosocial assessment does not include making diagnoses, nor interpreting of psychological tests.

(5) **Psychotherapy.** A specialized, formal interaction between a social worker and a client (individual, couple, family or group) in which a therapeutic relationship is established to help resolve symptoms of mental disorder, psychosocial stress, relationship problems and difficulties in coping in the social environment.

(6) **Counseling.** Counseling is to render evaluation and therapy that includes, but is not limited to, providing individual counseling, family counseling, marital counseling, group therapy, group counseling, play therapy, rehabilitation counseling, art therapy, human growth and development counseling, couples counseling, chemical abuse or dependency counseling, career counseling, and vocational disability counseling utilizing specific methods, techniques, or modalities.

Author: Alabama Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §34-30-1 (1991); §34-30-57(6) (1991). **History: Repealed and Replaced:** Filed October 31, 1997;

Operative December 5, 1997; effective January 1, 1998; Filed July 19, 2007; effective December 12, 2007 ~~(See Rule 850-X-1-.19).~~

850-X-2-.02 Classification of Social Workers. The Board is required by statute to promulgate rules and regulations which set forth professional standards for the four classes of social worker. Alabama law recognizes four classes of Social Workers: Licensed Bachelor Social Worker; Licensed Graduate Master Social Worker; Licensed Certified Independent Clinical Social Worker; Private Independent Practice. Consistent therewith, and pursuant to the authority granted the Board by Alabama legislature, the classes of licensed and certified social workers are as follows:

(1) **Licensed Bachelor Social Worker (LBSW)** is the basic licensing level. The LBSW must have a baccalaureate degree in social work from an accredited college or university whose social work program is approved or accredited by the Council on Social Work Education. The candidate for the LBSW licensure must pass an exam as prescribed by the Board, then the LBSW is prepared to assume the beginning level professional role in public and private social service agencies. The Board requires that the LBSW work under the continuing supervision of a licensed master social worker or a licensed clinical independent social worker for two (2) years or more, without further supervision as long as the LBSW remains in the same field of social work practice, job responsibilities are similar, and holds a current license. Licensed Bachelor Social Workers are prepared through beginning professional knowledge in human behavior in the social environment, generalist social work practice, knowledge of the history of social policy, knowledge of how to utilize social research finding in their practice and having had supervised field practicum experience. The LBSW provides generalist services in the role of social broker, enabler, counselor, case manager, educator, client advocate and mediator. Licensed Bachelor Social Workers may work with individuals, families, communities, groups and organizations. Licensed Bachelor Social Workers may conduct psychosocial assessments and may take social histories and/or conduct home studies. The LBSW utilizes the basic problem-solving process of gathering information, assessing that information at a beginning professional level, developing a plan of care, then assuming the roles enumerated above, implements the plan and conducts follow-up. An LBSW may not prescribe medication. ~~nor make diagnoses, or interpret psychological test.~~ An LBSW may take verbal orders from physicians only pertaining to social work practice.

(2) **Licensed Graduate Master Social Worker (LGMSW)** - The LGMSW must have a master of social work or a doctor of social work degree from a college or university approved or accredited by the Council on Social Work Education. The candidate for licensure at the LGMSW level must pass an exam as prescribed by the Board. An LGMSW must keep a current license. An LGMSW provides a wide range of services. The LGMSW has preparation as a generalist social worker, knowledge of the history of social policy, knowledge of how to utilize social research finding in their practice and having had supervised field practicum experience with additional specialization in either direct or indirect services such as work in a field of practice or with a specific population. The LGMSW may evaluate and assess difficulties in psychosocial functioning, develop a plan to alleviate those difficulties and either carry out the plan or refer clients to other qualified resources for assistance. An LGMSW may provide preventive and treatment services pertaining to individuals, families, groups, communities, and organizations. The LGMSW should be able to engage the client system, develop a relationship and employ a series of interventions that modify or eliminate targeted behaviors and can promote positive growth and

development. The LCMSW can explain and interpret the results of social evaluations in the problem-solving process. The LCMSW is able to supervise Licensed Bachelor Social Workers and practice in social casework, clinical social work, community organization, social work research, and social work administration. An LCMSW may not prescribe medication ~~nor make diagnoses, or interpret psychological test~~. An LCMSW may take verbal orders from physicians only pertaining to social work practice.

(3) **Licensed Certified Independent Clinical Social Worker (LICSW)** - The LICSW must have a master of social work or a doctor of social work degree from a college or university approved or accredited by the Council on Social Work Education and hold a current LCMSW license. The LICSW must have received two (2) years or more of postgraduate continuing supervision provided by an LICSW prior to application for the LICSW exam. The LICSW candidate must pass an exam as prescribed by the Board. The LICSW should be able to exercise independent judgment. The LICSW should be able to demonstrate skill and interventions directly related to individuals, families, groups, communities, or organizations. In at least one of these client groups, the LICSW shall demonstrate in-depth knowledge and skills. The LICSW should be able to employ practice theory and research findings in all aspects of their practice. The LICSW may supervise Licensed Bachelor Social Workers and Licensed Master Social Workers. ~~Methods of social work practice recognized by the Board for the LCSW include: social casework, clinical social work, community organization, social work research, and social work administration.~~ An LICSW may not prescribe medication ~~nor make diagnoses, or interpret psychological test~~. An LICSW may take verbal orders from physicians only pertaining to social work practice.

(4) **Private Independent Practice (PIP)** - An LICSW may apply to the Board to engage in ~~Private Independent Practice~~ of social work. Private ~~independent~~ practice of social work means that portion of social work practice in which a Licensed ~~Certified Independent Clinical Social Worker~~ is engaged in the private practice of social work ~~services which includes practicing as an independent contractor in one (1) or more areas of practice methods: social casework, clinical social work, and community organization, social work research, and social work administration.~~ The LICSW with a PIP certification must maintain a current LICSW license. For purposes of this section, the term "postgraduate" refers to that portion of experience acquired after having received one's master or doctoral degree in social work. The applicant for certification for private independent practice must present verifiable information regarding the appropriate degree, experience as defined in this section and appropriate supervision. The LICSW applying for PIP certification must have;

(a) three (3) years full-time or five (5) years part-time experience after receiving the MSW and legally practicing in the specified social work method, or

(b) one (1) year full-time or two (2) years part-time postgraduate experience in the specified social work method after receiving the LICSW.

Furthermore, the applicant must define the practice method for which application is being made and present all information in relation to that defined practice method. An applicant may submit information relating to more than one (1) practice method and may be certified, at

the outset, in more than one (1) practice method. The examination for private independent practice is the same as that for the LICSW license.

Author: Alabama Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §§34-30-3 (1991); 34-30-23 (1991); 34-30-57(6) (1991).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998; Filed July 19, 2007; effective December 12, 2007 ~~(See Rule 850-X-1-.19).~~

850-X-2-.03 Supervision.

(1) Supervision for this and all other sections wherein it is addressed means guidance in the professional application of social work practice as defined by law. Supervision is seen as a relationship between a supervisor and supervisee designed to promote responsibility, competency, and accountability, and which teaches the skills and techniques associated with social work practice.

(a) Individual supervision is defined as one supervisee meeting face-to-face with one supervisor, can also be live, interactive, visual communication as long as all three components are met during the session.

(b) Group supervision is defined as a maximum of six supervisees with similar responsibilities meeting face-to-face with one supervisor.

(2) Supervision can occur within an agency, institution, or group practice setting.

(3) Supervision for the purpose of these rules is not necessarily synonymous with the relationship of employer/employee. It is considered to be the responsibility of the licensee to negotiate a supervisory relationship, if such a relationship is not available within the employing agency.

Author: Alabama Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §34-30-57(6) (1991).

HISTORY: REPEALED AND REPLACED: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998 ~~(See Rule 850-X-1-.19).~~

**CHAPTER 850-X-3
SUPERVISION**

850-X-3-.01 Supervisor's Qualifications. Supervisors to applicants seeking a particular license shall be registered to provide supervision to be approved by the Board in advance and must complete at least three hours of continuing education in supervision per license renewal.

(1) To supervise LBSW licensees:

(a) if supervising within an agency or employment relationship, the supervisor must be licensed as a Licensed Graduate Master Social Worker (LCMSW) or Licensed Certified Independent Clinical Social Worker (LICSW); or

(b) if not supervising within an agency or employment relationship, the supervisor must be licensed certified at the PIP level.

(2) To supervise candidates for LICSW:

(a) if supervising within an agency or employment relationship, the supervisor shall be licensed as a Licensed Certified Independent Clinical Social Worker (LICSW); or

(b) if not supervising within an agency or employment relationship, the supervisor must be licensed certified at the PIP level in the same practice method(s) as the person being supervised.

Author: Alabama Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §34-30-22 (1996 Supp.); §34-30-29 (1991); §34-30-57(6) (1991).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998 (~~See Rule 850-X-1-.19~~).

850-X-3-.02 Supervision Requirements.

(1) A minimum of four (4) hours per month of supervision is required for 24 months within a 36 month period beginning with employment for LBSW licensees. Supervision may be provided by an LCMSW or LICSW. After 24 or more months of continuing supervision from an LCMSW or LICSW, an LBSW may engage in the practice of social work without further licensing supervision as long as the social worker remains in the same field of social work practice and job responsibilities remain similar. Should the LBSW change their field of practice after their initial 24 months of required supervision, then the LBSW will be required to repeat only six months of supervision in the new position.

(2) A minimum of four (4) hours per month of post-master's supervision for 24 months within a 36 month period is required for LICSW applicants.

(3) A contract must be negotiated between the supervisor and supervisee and is subject to the approval of the Board. A copy of the contract shall be provided to the Board, or, in the alternative, documentation signed by both parties which shall at a minimum include documentation of the following terms of the agreement:

- (a) The methods of supervision to be provided;
- (b) The type of social work practice to be supervised;
- (c) Hours; and
- (d) Termination conditions.

~~(4) The written evaluation for social work license form provided by the Board shall be completed by the supervisor and discussed with the supervisee at 12 month intervals and submitted to the Board.~~

~~(5) If supervision is terminated by either party, the supervisor is responsible for completing the evaluation and termination forms within~~

30 days and forwarding ~~them~~ to the Board for review. The supervisor shall certify the total number of supervised hours at termination.

Author: Alabama Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §34-30-22 (1996 Supp.); §34-30-29 (1991); §34-30-57(6) (1991).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998; March 8, 2007; effective April 12, 2007; effective October 4, 2014 ~~(See Rule 850-X-1-.19)~~.

CHAPTER 850-X-4
APPLICATIONS FOR LICENSURE AND CERTIFICATION

850-X-4-.01 Form of Application.

(1) All applications for licensure and certification shall be made on a form provided by the Board and **are available on-line**, no applications made otherwise will be accepted. Where space does not permit an applicant to present his record of experience, education or practice on the application form provided by the Board, the applicant may **request additional forms or** duplicate the experience and education record part of the application form. All forms must be signed and dated. Applications must be clearly typewritten or printed in black suitable for photostatic copy and all questions must be answered. An application not properly completed, or not containing all of the information required, or not accompanied by the required fee will be returned with a statement of the reasons for return.

~~(2) Applications for licensure and certification shall be subscribed and sworn to on a form provided by the Board. On-line applications meet this requirement.~~

~~(3)~~ Requests for application packets shall be made to the Alabama State Board of Social Work Examiners. The application packet, including necessary forms with instructions and a copy of pertinent rules will be provided by the office of the Board to the applicant.

~~(4)~~ To allow time for processing, all applications for licensure for any social work licensure and certification shall be filed with the Board at least fourteen (14) days prior to the next scheduled meeting of the Board.

~~(5)~~ The applicant has the responsibility for providing documentation that his/her positions constitute "social work practice" and that the applicant is identified with the profession.

~~(6)~~ It is the responsibility of the applicant to ensure that all documents have been received. Any person who knowingly makes, or causes to be made, false or misleading statements during the Board's investigation of his/her application shall be denied licensure. The existence of such false or misleading statements on the applicant's application or supporting documents shall be prima facie evidence of the violation of this rule. Whenever it appears that a person has violated this rule, the Board shall, after proper notice having been given, conduct a show-cause hearing for the purpose of denial of any license of said person. If the facts substantiate the violation of this rule, reapplication may not be made for a period of one year during which time the person shall not practice social work utilizing the rights and privileges granted to a licensed social worker.

~~(7)~~ Applications for licensure by reciprocity shall be reviewed by the Executive Director of the Board. Applications for licensure for PIP shall be reviewed by at least two Board members. Board members shall not review applications for applicants who are relatives, personal friends or work in the same agency or setting with the Board member. If an application is denied, the Board shall submit a written notice stating the reason(s) for the denial. If the Board determines that the applicant does not qualify for the level applied for, it shall approve licensure at the maximum level for which the applicant is eligible. This is not to be construed to deny the applicant the right to appeal the Board's decision.

~~(8)~~ Progression to a new level of licensure constitutes a new application. The applicant or licensee must make formal application for each level and meet all requirements established for that level of

licensure. Documentation already presented for determining eligibility for a previous level of licensure will be applied to the new application and need not be resubmitted.

(98) Licensure is a matter between the individual applicant and the Board. Applications and supporting documentation are confidential. The Board has no obligation to inform agencies or employers of Board decisions regarding applicants employed in their agencies. Ordinarily, written authorization shall be obtained from applicants or licensees prior to any necessary communication with any individual or agency regarding an applicant. However, agency supervisors, or employers, in their efforts to verify compliance with the licensing requirements, may be informed of the status of an application or the currency of an individual's license. In such instances, a note should be made in the applicant or licensee's file as to who inquired, what information was given, and by whom the information was released.

(109) The Board requires an official transcript confirming the completion of the degree as required by the Code of Alabama 34-30-22. Transcripts must bear the official seal and be mailed directly from the college or university to the Board or other Board approved authority.

(110) Withholding information, misrepresentation, or untrue statements will be cause for denial of an application.

Author: Alabama Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §§34-30-232 (1991); 41-22-4(a)(2) (1991).

History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998; March 8, 2007; effective April 12, 2007; effective October 4, 2014 (~~See Rule 850-X-1-.19~~).

850-X-4-.02 Reciprocity and Applications from Non-Residents.

(1) Reciprocity. Reciprocity shall be granted by the Board to applicants holding **valid active** licenses from other states provided equivalency of standards exists. A comparison shall be made between the requirements for licensure under Alabama law and requirements for licensure under the law in the state where the licensee holds an **an valid active** license. Reciprocity will be granted for whatever level is applicable. Where necessary the Board shall request additional information from the applicant in order to clarify whether or not equivalency exists.

(2) Non-Alabama residents who hold an **an valid active** social workers' license from another state of the United States may apply for licensure or certification provided:

(a) the state in which the applicant holds a license or certification requires standards equivalent to Alabama's for licensing or certification;

(b) the applicant agrees to be bound by all the provisions of the State of Alabama law governing social workers, and submits to the jurisdiction of the Board, and agrees to be subject to the investigations and disciplinary actions by the Board; and

(c) The applicant otherwise complies with the provisions of Alabama law and the rules pertaining to the application and certification of social workers in Alabama.

(3) Upon payment of all fees, non-resident applicants who meet all the above requirements and have taken a social worker licensure examination are not required to take the Alabama examination. The non-resident applicant shall complete an Alabama application and provide the necessary information from the resident state that the applicant holds a valid license or certification in good standing issued by the

licensing or regulatory agency in the state as attested to by a statement under seal from the agency setting forth:

- (a) the type of license or certification held by the applicant and the license or certification number;
- (b) the date of licensure or certification and the expiration date of the applicant's current license or certification;
- (c) proof of the examination taken by the applicant;
- (d) verification of supervision in that state; and
- (e) a complete record of any disciplinary actions taken or pending against the applicant.

(4) Reciprocity filed under a State of Emergency proclaimed by the Governor of Alabama upon request a person with a valid and active social work license may be issued a temporary license to practice in this state as long as the State of Emergency is in effect.

Author: Alabama Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §34-30-24 (1991).

History: Repealed and Replaced: Filed October 31, 1997; effective January 1, 1998; March 8, 2007; effective April 12, 2007; effective October 4, 2014 ~~(See Rule 850-X-1.19).~~

850-X-4-.03 Disposition of Applications.

(1) Approved Applications. When the Board, after due consideration of an application and of information pertaining thereto, is satisfied that the applicant is eligible for licensure or certification the applicant will be granted licensure or certification, and the applicant will be notified by the executive director.

(2) Deferred Applications. If an applicant's education or experience is considered inadequate upon Board review, but the Board believes the applicant may meet the minimum legal requirements within one year, such application may be held by the Board for up to one year without approval or denial. The applicant will be advised of the basis for holding the application, of additional information to be submitted, and of the approximate date on which the application will be formally considered again. The Board may require additional information pertaining to background and qualification. If more than one additional year of experience or additional education is considered necessary, the application will be denied, and for further consideration, the applicant will be required to submit a new application after having acquired the necessary qualifications.

(3) Denied Applications. When the Board, after due consideration of an application and of information pertaining thereto finds that the applicant is not eligible for licensure or certification under any section of the law, the applicant will be given notice of the denial, and shall be advised of the appellate procedures set forth in Rule 850-X-4-.05 The board may deny an application upon proof that the person has engaged in unprofessional conduct within the last five years, including, but not limited to:

- (a) Conviction of a felony;
- (b) Habituation or addiction to habit-forming drugs, either of which impairs the ability to perform his or her work;
- (c) Conviction of fraud or deceit in connection with services rendered as a social worker licensed under this chapter or in establishing qualifications under this chapter;
- (d) Aiding or abetting a person not licensed under this chapter who is falsely representing himself as a social worker licensed under this chapter;

(e) Failing to be relicensed and continuing to represent himself or herself as licensed after the expiration of his or her license; or
(f) Being found guilty of unprofessional conduct by the rules established by the Board of Social Work Examiners.

Author: Alabama State Board of Social Work Examiners **Statutory Authority:** Code of Ala. 1975 §41-22-4(a) (2) (1991). **History: Repealed and Replaced:** Filed October 31, 1997, effective January 1, 1998; March 8, 2007; effective April 12, 2007; March 9, 2010; effective June 15, 2010; effective October 4, 2014 ~~(See rule 850-X-1-.19).~~

850-X-4-.04 Reconsideration of Denied Application.

(1) A denied application may be reconsidered by the Board, if notice of appeal is filed with the executive director within thirty (30) days after the applicant has been notified of the ruling of the Board.

(2) A hearing shall be held as soon as practicable after filing of the notice of appeal, or at such time agreed upon by stipulation between the applicant and the executive director.

(3) The hearing shall be held by at least a quorum of the Board.

(4) Evidence, including oral testimony, shall be freely admitted. The applicant shall be allowed to have counsel present if desired.

(5) In a reconsideration of denied application, the applicant shall have the burden of establishing to the reasonable satisfaction of the Board that the applicant is entitled to the specific relief requested.

(6) The Board shall issue a final decision within thirty (30) days of the date of the hearing, which shall include findings of fact and official notice taken. The applicant shall be delivered a copy of the decision by first class mail.

(7) The decision of the Board may be appealed as provided in ALA. CODE §34-30-5 (1991) within thirty (30) days of the decision of the Board.

(8) The record on appeal shall be certified by the executive director of the Board, and shall include the entire record and transcript of the hearing.

Author: Alabama Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §41-22-4(a) (2) (1991).

History: Repealed and Replaced: Filed October 31, 1997; effective January 1, 1998; March 8, 2007; effective April 12, 2007; October 4, 2014 ~~(See Rule 850-X-1-.19)~~

**CHAPTER 850-X-5
FEES**

850-X-5-.01 Method of Payment. Fees shall be payable to the Alabama State Board of Social Work Examiners. Payment of fees should be made by money order, credit card accepted by the state, company or cashier's checks. No cash will be accepted as payment of fees. Applications not accompanied by the proper fee will be returned to the applicant.

Author: Alabama Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §§34-30-57(4) (1991); 41-22-4(a)(2) (1991).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998; March 8, 2007; effective April 12, 2007 (See Rule 850-X-1-.19).

~~**850-X-5-.02 Application And Initial License Fees.** Beginning Fiscal 1997-1998, fees for license and certification shall be set by resolution of the Board.~~

~~**Author:** Alice King~~

~~**Statutory Authority:** Code of Ala. 1975, §34-30-57(4) (1991).~~

~~**History: Repealed and Replaced:** Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998 (See Rule 850-X-1-.19).~~

~~**850-X-5-.03 Examination Fees.** The examination fee as provided by Code of Ala. 1975, §34-30-23 (1991) shall be set from time to time by the Board by resolution.~~

~~**Author:** Alice King~~

~~**Statutory Authority:** Code of Ala. 1975, §34-30-57(4) (1991).~~

~~**History: Repealed and Replaced:** Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998 (See Rule 850-X-1-.19).~~

~~**850-X-5-.04 Renewal Fees.** Renewal fees shall be set by resolution of the Board and are due with the application for renewal of the license or certification.~~

~~**Author:** Alice King~~

~~**Statutory Authority:** Code of Ala. 1975, §34-30-57(4) (1991).~~

~~**History: Repealed and Replaced:** Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998 (See Rule 850-X-1-.19).~~

~~**850-X-5-.05 Fees Not Refundable.** No fee, or part of any fee, paid by any applicant for application or examination will be returned to the applicant, either in the event of his/her failure to take the examination, or in the event of his failure to pass the required examination, if and when given.~~

~~**Author:** Alabama Board of Social Work Examiners~~

~~**Statutory Authority:** Code of Ala. 1975, §34-30-6 (1991).~~

~~**History: Repealed and Replaced:** Filed October 31, 1997; effective January 1, 1998 (See Rule 850-x-1-.19)~~

850-X-5-.0602 Processing Fees. The Board shall charge the following processing fees.

Renewal of License and Certification	\$100.00
Reinstatement of License	\$500.00
Inactive Registration	\$ 25.00
Application Fees:	
Examination	\$ 75.00
Re-Examination	\$ 75.00

Reciprocity	\$ 75.00
Private Independent Practice	\$ 75.00
Printing for Replacement License	\$ 10.00
Documentation Copying Fee	\$ 1.00 per page
Processing Verification Form	\$ 15.00
Application for CE Provider	\$ 50.00 150.00
Replacement of I.D. Card	\$ 5.00
Replacement of Gold Seal	\$ 5.00
Author: Alabama Board of Social Work Examiners	
Statutory Authority: Code of Ala. 1975, §34-30-25.	
History: Filed June 30, 2014; Effective October 4, 2014 (See Rule 850- *1-.19)	

**CHAPTER 850-X-6
EXAMINATIONS**

850-X-6-.01 Eligibility for Examinations. To be eligible to sit for the examination for licensure the applicant must provide evidence satisfactory to the Board that the applicant possesses the educational qualifications and qualifying experience outlined in the Code of Ala. 1975, §34-30-22 (1991). The applicant must:

- (1) be at least nineteen years old;
- (2) subscribe to the professional code of ethics approved and adopted by the Board;
- (3) meet the following additional requirements:

(a) Bachelor Social Worker: have a baccalaureate degree from an accredited college or university including completion of a social work program approved or accredited or in candidacy by the Council on Social Work Education.

(b) Graduate Master Social Worker: have a master of social work or a doctor of social work from a college or university approved or accredited or in candidacy by the Council on Social Work Education.

(c) Certified Independent Clinical Social Worker:

1. have a master of social work or a doctor of social work from a college or university approved or accredited or in candidacy by the Council on Social Work Education and holds a current LCMSW; and

2. have at least two years of post-master or post-doctorate experience in the practice of social work under the supervision of a licensed independent clinical certified social worker.

Author: Alabama Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §§34-30-22 (1996 Supp.); 34-30-57(4) (1991).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998; March 8, 2007; effective April 12, 2007; October 4, 2014 (See Rule 850-X-1-.19).

~~**850-X-6-.02 Examination Dates And Locations.** Written or computerized examinations shall be held in places and on dates designated or approved by the Board at least twice a year.~~

~~**Author:** Alabama Board of Social Work Examiners~~

~~**Statutory Authority:** Code of Ala. 1975, §§34-30-22 (1996 Supp.); 34-30-57(4) (1991).~~

~~**History: Repealed and Replaced:** Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998 (See Rule 850-X-1-.19).~~

850-X-6-.03 02 Examination Results. Dissemination of the examination results is the responsibility of the testing agency.

Author: Alabama Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §§34-30-22 (1996 Supp.); 34-30-57(4) (1991).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998; October 4, 2014 (See Rule 850-X-1-.19).

850-X-6-.04 03 Eligibility for Re-Examination. Satisfactory completion of an exam must be made within twelve months after an application is approved by the Board. After the expiration of twelve months from the date of application, an applicant must submit a new application and necessary fees. During this time, the applicant shall not practice

social work or otherwise exercise the rights and privileges granted to a licensed social worker.

Author: Alabama Board of Social Work Examiners.

Statutory Authority: Code of Ala. 1975, §§34-30-22 (1996 Supp.); 34-30-57(4) (1991).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998; March 8, 2007; effective April 12, 2007 ~~(See Rule 850-X-1-.19).~~

CHAPTER 850-X-7
DISPLAY AND RENEWAL OF LICENSE

850-X-7-.01 Display of License.

(1) Licenses or certificates are issued when the applicant's credentials have been verified and the appropriate examination has been passed. Licenses or certificates will be sent to the licensees by first class mail.

(2) License or certification issuance dates are assigned on the basis of completion of the credential verification process.

(3) Section 34-30-28 CODE OF ALA. (1991) requires that licenses be displayed. Such display provides the consumers of social work services with a way of recognizing duly recognized practitioners. Therefore, the license to practice social work issued by the Board shall be displayed in the licensee's principal place of practice. Certification for private independent practice shall also be displayed in the certificate holder's principal place of private practice. Failure to do so on the part of the licensee or the certificate holder may result in the suspension of the license for a period not to exceed ninety days.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §34-30-28 (1991).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998 ~~(See Rule 850-X-1-.19).~~

850-X-7-.02 Renewals. Licenses at all levels ~~and certifications for private practice~~ expire on the last day of the month in the calendar year that is exactly two (2) years from the calendar year and month issued by the Board and printed on the license. An application for renewal of the license ~~or certification~~ shall be submitted on a form provided by the Board and must be received with the renewal fee in the Board office within sixty (60) days after the expiration of the license ~~or certification~~. Renewals not received within the proper time frame shall result in the termination of the license ~~or certification~~.

Author: Alabama State Board of Social Work Examiners **Statutory**

Authority: Code of Ala. 1975, §34-30-26 (1991).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998 ~~(See Rule 850-X-1-.19).~~

850-X-7-.04 Inactive Status. The fee for inactive status is \$25.00 every two years and is to be paid on the same date as the active license if it were renewed.

(1) A person not practicing social work in Alabama may select inactive status. A person approved for inactive status is not required to obtain continuing education contact hours while his/her license is inactive.

(2) When the person in the inactive status decides to reactivate the license a minimum of 15 continuing education hours will be required. The board will require 15 hours for each year the license is inactive up to a maximum of 45 contact hours.

(3) To meet continuing education makeup requirements 35% must come from classroom hours.

(4) Supervision will be required for a person at the LBSW level if the initial 24 months of required supervision have not been completed. The supervision will be due within 36 months of gaining employment in a social work setting. If the initial 24 months of required supervision were previously completed, then only 6 months of additional supervision will be required if there is a change in practice setting.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §343026.

History: New Rule: Filed May 11, 2010; effective June 15, 2010; October 4, 2014 (~~See Rule 850X1.19~~).

**CHAPTER 850-X-8
CONTINUING EDUCATION**

850-X-8-.01 Continuing Education.

(1) This rule defines continuing education, continuing education unit (CEU), contact hour, the types of activities which are acceptable for fulfillment of requirements, the documentation required, and the amount of continuing education required for a renewal period for each category of licensure. This rule shall be published by the Board and made available to licensed social workers.

(2) Continuing Education means education which fosters the enhancement of general or specialized social work practice, values, skills or knowledge.

(3) CEUs are defined on the basis of ten contact hours per CEU and may be earned in whole or a fraction thereof. Contact hour means one clock hour of organized learning experience. One clock hour means a sixty minute clock hour of instruction, not including coffee breaks or lunch.

(4) The contact hour requirements for each category of licensure are as follows:

(a) A licensed bachelor social worker must submit proof of thirty (30) contact hours of continuing education.

(b) A licensed ~~graduate~~ ~~master~~ social worker must submit proof of thirty (30) contact hours of continuing education.

(c) A licensed ~~certified~~ ~~independent clinical~~ social worker must submit proof of thirty (30) contact hours of continuing education.

~~(d) A private independent practice social worker must submit proof of thirty (30) contact hours of continuing education to renew his/her license for certified social worker and twenty (20) additional contact hours for his/her license certification for private independent practice for a total of fifty (50) contact hours.~~

(ed) A minimum of three (3) contact hours in ethics ~~is~~ and ~~three(3) contact hours in clinical are~~ required for each license renewal.

~~(e)~~ All licensees and applicants are required to complete a mandatory Child Abuse and Neglect Report training as required by Alabama Law 26-14-3 for licensure. ~~This is a one-time requirement.~~

(5) The following types of continuing education activities are acceptable for fulfillment of continuing education requirements:

(a) Regionally accredited university or college academic courses in social work or related social work disciplines. ~~A list of these disciplines shall be published by the Board of Social Work Examiners and made available to licensed social workers.~~ One undergraduate academic semester hour successfully completed shall be equivalent to ten contact hours per semester hour. One graduate academic semester hour successfully completed shall be equivalent to fifteen contact hours per semester hour. Five contact hours may be received for auditing an academic course from a ~~related~~ discipline ~~on the approved list.~~

(b) Continuing education programs sponsored by university or college social work programs.

(c) Board approved workshops, institutes or conferences sponsored by official national, regional, or state social work or social welfare related organizations. Sponsoring organizations are responsible for obtaining approval for contact hour credit prior to conducting the activity. A list of annual conferences and/or sponsoring organizations will be made available to licensed social workers upon request.

(d) Board approved public or private agency staff development programs that contribute to the enhancement of social work practice, skills or knowledge. Agencies are to submit quarterly projections of programs to the Board which could include outlines of specific programs and vitae of presenters. To update files, agencies may provide to the Board brochures and other literature on completed programs.

(e) Workshops or presentations not under the auspices of any organized agency. This section refers to activities planned by individuals working independently. Contact hours will be approved from the information submitted prior to the activity.

(f) Publication of a professional social work paper. The initial publication shall be acceptable for twenty contact hours. Presentation of a professional social work paper for the first time at a Board approved professional conference shall be acceptable for fifteen contact hours. Participating as a panel member for a Board approved workshop or conference shall be acceptable for two times the approved contact hours for the session. Facilitating, moderating, or leading a Board approved workshop or conference shall be acceptable for the approved contact hours for the session.

(g) Self-directed learning project (maximum twenty contact hours). Projects intended to increase knowledge shall be documented by means of a paper, annotated bibliography, etc. Projects intended to increase skill development by means of audio or audio-visual tapes shall be documented. Credit for self-directed learning projects may be granted provided the project is completed and approved prior to the current license expiration. Projects not completed and approved by the license expiration date can be considered for the licensee's next renewal period. The Board recommends that self-directed learning project proposals be submitted at least nine months prior to the expiration date of licensure to provide sufficient time for review, project completion, and approval. Reading a book, preparing a paper in a graduate course, or case consultation shall not meet the requirements for this activity.

(6) Documentation means dated evidence of participation in continuing education activities. Evidence such as receipts of registration, copy of publication or program listing the presentation is considered documentation. Continuing education documentation must be submitted on a form provided by the Board and accompanied by the licensee's application for renewal.

(7) The Board may request verification of credits submitted, including information regarding content, certification, and attendance. It is the responsibility of the licensee to obtain records to substantiate credits. Failure to substantiate credits submitted or to submit documentation of sufficient continuing education credits may result in refusal by the Board to renew a license.

Author: Alabama Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §34-30-57(5) (1991).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998; March 8, 2007; effective April 12, 2007; October 4, 2014 (~~See Rule 850-X-1-.19~~).

CHAPTER 850-X-9
STANDARDS OF PROFESSIONAL CONDUCT & ETHICS
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850-X-9-.01 Standards of Professional Conduct & Ethics. Section 34-30-57, Code of Ala. 1975, (1991) authorizes the Board to promulgate rules and regulations that set forth standards for licensed bachelor social workers, licensed graduate master social workers, and certified independent clinical social workers. Pursuant thereto, the Board has formally adopted the following standards of professional conduct and ethics:

(1) The Social Worker's Conduct and Comportment as a Social Worker.

(a) Propriety - The social worker shall maintain high standards of personal conduct in the capacity or identity as social worker.

1. The private conduct of the social worker is a personal matter to the same degree as is any other person's, except when such conduct compromises the fulfillment of professional responsibilities.

2. The social worker shall not participate in, condone, or be associated with dishonesty, fraud, deceit, misrepresentation, or criminal activity.

3. The social worker shall distinguish clearly between statements and actions made as a private individual and as a representative of the social work profession or an organization or group.

(b) Competence and Professional Development - The social worker shall strive to become and remain proficient in professional practice and the performance of professional functions.

1. The social worker shall accept responsibility or employment only on the basis of existing competence or the intention to acquire the necessary competence.

2. The social worker shall not misrepresent professional qualifications, licensure, certification, education, experience, or affiliations.

3. The social worker shall not allow his/her own personal problems, psychosocial distress, substance abuse, or mental health difficulties to interfere with professional judgment and performance or jeopardize the best interests of those for whom the social worker has a professional responsibility.

4. The social worker whose personal problems, psychosocial distress, substance abuse, or mental health difficulties interfere with professional judgment and performance should immediately seek consultation and take appropriate remedial action by seeking professional help, making adjustments in workload, terminating practice, or taking any other steps necessary to protect clients and others.

5. The social worker shall not knowingly allow another person to use his or her license.

6. The social worker shall not impersonate another person holding a license issued by the Board.

(c) Service - The social worker shall regard as primary the service obligation of the social work profession.

1. The social worker shall retain ultimate responsibility for the quality and extent of the service that individual assumes, assigns, or performs.

2. The social worker shall act to prevent practices that are inhumane or discriminatory against any person or group of persons.

(d) Integrity - The social worker shall act in accordance with the highest standards of professional integrity and impartiality.

1. The social worker should be alert to and resist the influences and pressures (including those that arise from personal beliefs) that interfere with the exercise of professional discretion and impartial judgment required for the performance of professional functions.

2. The social worker shall not exploit professional relationships for personal gain.

(e) Scholarship and Research - The social worker engaged in study and research should be guided by the conventions of scholarly inquiry.

1. The social worker engaged in research should consider carefully the possible consequences for human beings.

2. The social worker engaged in research shall ascertain that the consent of participants in the research is voluntary and informed, without any implied deprivation or penalty for refusal to participate, and with due regard for participant's privacy and dignity.

3. The social worker engaged in research should protect participants from unwarranted physical or mental discomfort, distress, harm, danger, or deprivation.

4. The social worker who engages in the evaluation of services or cases shall discuss them only for the professional purposes and only with persons directly and professionally concerned with them.

5. Information obtained about participants in research shall be treated as confidential.

6. The social worker shall take credit only for work actually done in connection with scholarly and research endeavors and credit contributions made by others.

(2) The Social Worker's Ethical Responsibility to Clients.

(a) Primacy of Client's Interests - The social worker's primary responsibility is to promote the well-being of the client.

1. The social worker should serve clients with devotion, loyalty, determination, and the maximum application of professional skills and competence.

2. The social worker shall not exploit relationships with clients for personal advantage.

3. The social worker shall not practice, condone, facilitate, or collaborate with any form of discrimination on the basis of race, color, sex, age, religion, political belief, mental or physical handicap, or any other preference or personal characteristic, condition or status.

4. The social worker shall not condone or engage in any dual or multiple relationships with clients or former clients in which there is a risk of exploitation of or potential harm to the client. The social worker is responsible for setting clear, appropriate, and culturally sensitive boundaries.

5. The social worker shall under no circumstances engage in sexual activities or sexual contact with current clients, whether such contact is consensual or forced.

6. The social worker shall not engage in sexual activities or sexual contact with client's relatives or other individuals with whom clients maintain a close personal relationship when there is a risk of exploitation or potential harm to the client. The social worker shall assume the full burden for setting clear, appropriate, and culturally sensitive boundaries.

7. The social worker should not engage in sexual activities or sexual contact with former clients because of the potential for harm

to the client. If a social worker engages in conduct contrary to this prohibition or claims that an exception to this prohibition is warranted because of extraordinary circumstances, it is the social worker not the client who assumes full burden of demonstrating that the former client has not been exploited, coerced, or manipulated, intentionally or unintentionally.

8. The social worker shall not provide clinical services to an individual with whom the social worker has had a prior sexual relationship.

9. The social worker must set clear, appropriate and culturally sensitive boundaries that govern any physical contact with a client.

10. The social worker shall not sexually harass clients. Sexual harassment includes sexual advances, sexual solicitation, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

11. The social worker shall not use derogatory language in written or verbal communications to or about clients. The social worker shall use accurate and respectful language in all communications to and about clients.

12. The social worker should provide clients with accurate and complete information regarding the extent and nature of the services available to them.

13. The social worker shall apprise clients of their risks, rights, opportunities, and obligations associated with social service to them.

14. The social worker should seek advice and counsel of colleagues and supervisors whenever such consultation is in the best interest of the clients.

15. The social worker shall terminate service to clients, and professional relationships with them, when such service and relationships are no longer required or no longer serve the client's needs or best interests.

16. The social worker should not withdraw services precipitously except under unusual circumstances, giving careful consideration to all factors in the situation and taking care to minimize possible adverse effects.

17. The social worker who anticipates the termination or interruption of service to clients shall notify clients promptly and seek the transfer, referral, or continuation of service in relation to the client's needs and preferences.

(b) Rights and Prerogatives of Clients - The social worker should make every effort to foster maximum self-determination on the part of clients.

1. When the social worker must act on behalf of a client who has been adjudged legally incompetent, the social worker should safeguard the interests and rights of that client.

2. When another individual has been legally authorized to act on behalf of a client, the social worker should deal with that person always with the client's best interest in mind.

3. The social worker should not engage in any action that violates or diminishes the civil or legal rights of clients.

(c) Confidentiality and Privacy - The social worker shall respect the privacy of clients and hold in confidence all information obtained in the course of professional service except as required by law.

1. The social worker shall share with others confidences revealed by clients, without their consent, only for compelling professional reasons or as required by law.

2. The social worker should inform clients fully about the limits of confidentiality in a given situation, the purposes for which information is obtained, and how it may be used.

3. The social worker shall keep timely and accurate records detailing problems, treatment plans, scope of services, and dates and content of client contacts for a minimum of three years after the date on which services were last provided to the client. Records shall be securely kept to ensure the confidentiality of clients. Records or other oral or written information which personally identifies the client shall not be released to third parties unless:

i. the client or authorized representative consents in writing;

ii. a court of competent jurisdiction orders release of the records;

iii. the records are otherwise due to be disclosed under Alabama or federal law;

iv. the information released does not compromise the confidentiality of any other individuals; or

v. the Board issues a subpoena for the records pursuant to its investigatory or regulatory authority.

4. The social worker should afford clients with reasonable access to any official social work records concerning them.

5. When providing clients with access to records, the social worker shall take due care to protect the confidences of others contained in those records.

6. The social worker shall obtain informed consent of clients before taping, recording, or permitting third party observation of their activities.

7. The social worker shall take precautions to ensure and maintain the confidentiality of information transmitted to other parties through the use of computers, electronic mail, facsimile machines, telephones, voicemail, social media, and other electronic or computer technology. Disclosure of identifying information should be avoided whenever possible.

(d) Fees - When setting fees, the social worker shall ensure that they are fair, reasonable, considerate, and commensurate with the service performed. When setting fees, the social worker shall exercise due regard for the client's ability to pay.

1. The social worker shall not divide a fee with a referral source. The social worker shall not accept the division of a fee as compensation for a referral. This provision is intended to assure that referrals are always based solely on the best interests of the client.

2. The social worker shall explain the fee schedule and ensure the client's understanding.

(3) The Social Worker's Ethical Responsibility to Colleagues.

(a) Respect, Fairness, and Courtesy - The social worker shall treat colleagues with respect, courtesy, fairness, and good faith.

1. The social worker should cooperate with colleagues to promote professional interests and concerns.

2. The social worker shall respect confidences shared by colleagues in the course of their professional relationships and transactions unless otherwise required by law.

3. The social worker should create and maintain conditions of practice that facilitate ethical and competent professional performance by colleagues.

4. The social worker should treat with respect, and represent accurately and fairly, the qualifications, views, and findings of colleagues and use appropriate channels to express judgments on these matters.

5. The social worker who replaces or is replaced by a colleague in professional practice should act with consideration for the interest, character, and reputation of that colleague.

6. The social worker shall not exploit a dispute between a colleague and employers to obtain a position or otherwise advance the social worker's interest.

7. The social worker should seek arbitration or mediation when conflicts with colleagues require resolution for compelling professional reasons.

8. The social worker should extend to colleagues of other professions the same respect and cooperation that is extended to social work colleagues.

9. The social worker who serves as an employer, supervisor, or mentor to colleagues shall make orderly and explicit arrangements regarding the conditions of their continuing professional relationship.

10. The social worker who has responsibility for employing and evaluating the performance of other staff members, shall fulfill such responsibility in a fair, considerate, and equitable manner, on the basis of clearly enunciated criteria.

11. The social worker who has the responsibility for evaluating the performance of employees, supervisees, or students shall share evaluations with them.

12. The social worker shall not use a professional position vested with power, such as that of employer, supervisor, teacher, or consultant, to his/her advantage or to exploit others.

13. The social worker who functions as a supervisor or educator shall not engage in sexual activities or contact with supervisees, students, trainees, or other colleagues over whom they exercise professional authority.

14. The social worker should avoid engaging in sexual relationships with colleagues when there is potential for conflict of interest. The social worker who becomes involved in, or anticipates becoming involved in, a sexual relationship with a colleague has the duty to transfer professional responsibilities, when necessary, to avoid a conflict of interest.

15. The social worker shall not sexually harass supervisees, students, trainees, or colleagues. Sexual harassment includes sexual advances, sexual solicitation, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

16. The social worker who has direct knowledge of a social work colleague's impairment due to personal problems, psychosocial distress, substance abuse, or mental health difficulties should consult with that colleague and assist the colleague in taking remedial action.

17. The social worker who believes that a social work colleague is incompetent and has not taken adequate steps to address the incompetence should take action through appropriate channels established by employers, agencies, NASW, and the Alabama State Board of Social Work Examiners.

(b) Dealing with Colleagues' Clients - The social worker has the responsibility to relate to the clients of colleagues with full professional consideration.

1. The social worker shall not assume professional responsibility for the clients of another agency or a colleague without appropriate communication with that agency or colleague.

2. The social worker who serves the clients of colleagues, during a temporary absence or emergency, shall serve those clients with the same consideration as that afforded any client.

(4) The Social Worker's Ethical Responsibility to the Employer. The social worker shall adhere to commitments made to the employing organization.

(a) The social worker should work to improve the employing agency's policies and procedures, and the efficiency and effectiveness of its services.

(b) The social worker shall not accept employment or arrange student field placements in an organization which is currently under public sanction by the National Association of Social Workers ("NASW") for violating personnel standards, or imposing limitations on or penalties for professional actions on behalf of clients.

(c) The social worker should act to prevent and eliminate discrimination in the employing organization's work assignments and in its employment policies and practices.

(d) The social worker should use with scrupulous regard, and only for the purpose for which they are intended, the resources of the employing organization.

(5) The Social Worker's Ethical Responsibility to the Profession.

(a) Maintaining the Integrity of the Profession - The social worker shall uphold and advance the values, ethics, knowledge, and mission of the profession.

1. The social worker should protect and enhance the dignity and integrity of the profession and should be responsible and vigorous in discussion and criticism of the profession.

2. The social worker should take action through appropriate channels against unethical conduct by any other member of the profession.

3. The social worker should act to prevent the unauthorized and unqualified practice of social work.

4. The social worker should strive to become and remain proficient in professional practice and the performance of professional functions. The social worker should critically examine and keep current with emerging knowledge relevant to social work. The social worker should routinely review the professional literature and participate in continuing education relevant to social work practice and social work ethics.

5. The social worker should base practice on recognized knowledge, including empirically based knowledge, relevant to social work and social work ethics.

6. The social worker shall make no misrepresentation in advertising as to qualifications, competence, service, or results to be achieved.

(b) Community Service - The social worker should assist the profession in making social services available to the general public.

1. The social worker should contribute time and professional expertise to activities that promote respect for the utility, the integrity, and the competence of the social work profession.

2. The social worker should support the formulation, development, enactment and implementation of social policies of concern to the profession.

(c) Development of Knowledge - The social worker should take responsibility for identifying, developing, and fully utilizing knowledge for professional practice.

1. The social worker should base practice upon recognized knowledge relevant to social work.

2. The social worker should critically examine, and keep current with, emerging knowledge relevant to social work.

3. The social worker should contribute to the knowledge base of social work and share research knowledge and practice wisdom with colleagues.

(6) The Social Worker's Ethical Responsibility to Society. The social worker should promote the general welfare of society.

(a) The social worker should act to prevent and eliminate discrimination against any person or group on the basis of race, color, sex, age, religion, national origin, marital status, political belief, mental or physical handicap, or any other preference or personal characteristic, condition, or status.

(b) The social worker should act to ensure that all persons have access to the resources, services, and opportunities which they require.

(c) The social worker should act to expand choice and opportunity for all persons, with special regard for disadvantaged or oppressed groups or persons.

(d) The social worker should promote conditions that encourage respect for the diversity of cultures which constitute American society.

(e) The social worker should provide appropriate professional services in public emergencies.

(f) The social worker should advocate changes in policy and legislation to improve social conditions and to promote social justice.

(g) The social worker should encourage informed participation by the public in shaping social policies and institutions.

Author: Alabama Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §§34-30-22(4) (1996 Supp.); 34-30-57(6) (1991).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998; October 4, 2014 (~~See Rule 850-X-1-.19~~).

**CHAPTER 850-X-10
DISCIPLINARY PROCEEDINGS**

850-X-10-.01 Grounds. The Board, after a hearing, may refuse to renew, may suspend or may revoke any license or certificate issued by the Board, and may levy and collect administrative fines upon proof that a person licensed by the Board has engaged in unprofessional conduct within the last five years, including, but not limited to those listed in the statutes and:

- ~~(1) Statutory Grounds:~~
- ~~(a) Conviction of a felony;~~
- ~~(b) Habituation or addiction to habit-forming drugs, either of which impairs the ability to perform his or her work;~~
- ~~(c) Conviction of fraud or deceit in connection with services rendered as a social worker licensed by the Board or in establishing qualifications for licensure or certification by the Board;~~
- ~~(d) Aiding or abetting a person not licensed by the Board who is falsely representing himself or herself as a social worker licensed by the Board;~~
- ~~(e) Failing to renew or meet the qualifications for renewal of a license or certification after the expiration of his or her license or certification;~~
- ~~(f) Violation of any of the rules established by the Board as set forth in this Administrative Code.~~

~~(2)~~ **(21) Additional Grounds:** In addition to the specific grounds provided by statute, the Board of Social Work Examiners is authorized by law to promulgate rules and regulations and set forth professional standards. Specific offenses for which discipline may be imposed include, but are not necessarily limited to:

- (a) Committing, or aiding and abetting any cheating or an attempt to subvert the social work licensing examinations.
- (b) Committing, or aiding and abetting any fraud or misrepresentation in applying for or procuring a social work license or renewal license.
- (c) Being convicted of a felony or any misdemeanor involving questions of moral turpitude, whether or not resulting from such practice, or the entry of a guilty plea or plea of no contest to any such misdemeanor or felony.
- (d) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.
- (e) Making a false or misleading statement or statements regarding a social worker's skills or the efficacy or value of any treatment provided or to be provided, or using any false, fraudulent or deceptive statement connected with the practice of social work, including, but not limited to, false or misleading advertising.
- (f) Violating the confidentiality between social worker and client except as required or permitted by law.
- (g) Failing to properly manage, maintain and preserve client records.
- (h) Failing to transfer pertinent and necessary records when requested to do so by the client or by the client's legally designated representative.
- (i) Giving or receiving, directly or indirectly, any fee, commission, rebate, or other compensation for professional services not actually and personally rendered.

(j) Being found by a court of competent jurisdiction to be mentally incompetent which results in the inability to practice the profession with reasonable judgment, skill or safety.

(k) Engaging in behavior that demonstrates incapacity or incompetence to practice social work.

(l) Being found guilty or liable in any criminal or civil proceeding resulting in an adverse judgment, order, decree or award, against a licensee, whether or not such claims are settled later between the parties, related to acts or conduct which would constitute grounds for disciplinary action, or which reflect adversely on the licensee's competence or qualifications to practice social work.

(m) Engaging in any dual or multiple relationships with clients or former clients in which there is a risk of exploitation of or potential harm to the client; or violating appropriate client-social worker boundaries.

(n) Committing any act of sexual abuse, misconduct, or exploitation related to the social worker's practice.

(o) Being addicted or habituated to any chemical substance that impairs the ability to practice competently.

(p) Aiding and abetting the practice of social work by an unlicensed, incompetent or impaired individual.

(q) Allowing any person or organization to use a licensee's license to practice social work.

(r) Being disciplined in another jurisdiction based on grounds that are the same or substantially the same as those which exist under these Rules.

(s) Failing to report to the Board any adverse action taken against the social worker by another licensing jurisdiction.

(t) Failing to report to the Board the surrender of a license or authorization to practice social work in another jurisdiction.

(u) Failing to provide information requested by the Board or to cooperate with a lawful investigation conducted by the Board.

(v) Failing to comply with any stipulation or agreement with the Board involving probation or a settlement of any disciplinary matters.

(w) Aiding or abetting any persons in the filing of false reports with the Board or other applicable governmental agency.

(x) Failing to comply with mandatory reporting laws.

(y) Being found guilty of violating any of the Standards of Professional Conduct & Ethics established by the Board as provided in these rules.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §34-30-4 (1996 Supp.).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998 ~~(See Rule 850-X-1-.19).~~

850-X-10-.02 Complaint Procedure. Proceedings to revoke, refuse to renew or suspend a certificate or license, or to censure, place on probation and/or fine any licensed or certified social worker may be initiated by the Board or by any person upon the filing with the Board's executive director of a complaint which shall contain:

(1) Name and address of the complaining party as well as the name and address of any licensed or certified social worker against whom the complaint has been filed.

(2) A plain and concise statement of the facts which together indicate that the individual licensed social worker complained against has violated Chapter 30, Title 34, ALA. CODE or rules promulgated by the Board or Standards of Professional Conduct & Ethics.

(3) The relief sought, if known.

(4) The signature and verification of the complainant in the form prescribed by the Board.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §41-22-4(a) (2) (1991).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998 ~~(See Rule 850-X-1-.19).~~

850-X-10-.03 Disciplinary Investigative Committee. In the event a complaint is filed against a licensee, or the Board determines from other information that an investigation is necessary, the procedure for investigation shall be as follows:

(1) The complaint or other information will be reviewed by a Disciplinary Investigative Committee designated by the Board. The Disciplinary Investigative Committee will consist of:

(a) The executive director;

(b) The attorney for the Board; and

(c) A member of the Board who shall be selected on a rotating basis provided that if the complaint is first made to a Board member, then it shall be referred to that Board member.

(2) The Board may also employ investigators ~~or volunteers~~ to assist in the investigation of a disciplinary complaint.

(3) In the event probable cause is determined, the Board member who participates on the Investigative Committee investigating a licensee shall not sit as a member of the Board to consider the merits of the complaint at any disciplinary hearing on the same case if a summons and complaint is issued.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §41-22-4(a) (2) (1991).

History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998 ~~(See Rule 850-X-1-.19).~~

850-X-10-.04 Informal Disposition.

(1) After review of the complaint or other information by the Disciplinary Investigative Committee of the Board, if the Investigative Committee determines that the complaint or other information may constitute a violation of the Board's rules and/or statutes, the Investigative Committee's designee may without prejudice to its authority to initiate formal action, take such action as it deems necessary to informally contact the licensee, any complainant, or any other party or parties, in an effort to resolve or informally settle any dispute which may constitute a violation of the Board's rules and/or statutes. Such action may include, but not be limited to, issuing a request to the licensee that he or she do, or refrain from doing, such activities as the Board may prescribe, and the entering of settlement agreements and/or releases between the licensee, the Board and/or other parties setting out the terms of any resolution and settlement of the alleged violation. Informal dispositions of disciplinary complaints are considered to be matters of public record.

(2) In the event that an informal settlement of any alleged violations of the Board's rules and/or statutes cannot be reached, the Board may proceed to take formal action to determine whether probable cause exists for the issuance of a summons and complaint by the Board.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §41-22-4(a) (2) (1991).

History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998 ~~(See Rule 850-X-1-.19).~~

850-X-10-.05 Summons, Complaint and Answer.

(1) Preparation. In the event the Investigative Disciplinary Committee of the Board determines that probable cause exists for the filing of a summons and complaint, counsel for the Board shall prepare a summons and complaint.

(2) Contents. The summons and complaint shall give notice in substantial compliance with the Alabama Administrative Procedure Act, ALA. CODE § 41-22-12(b) (1991) and § 34-30-5 (1991).

(3) Service. The summons and complaint shall be mailed certified mail return receipt requested to the most recent address of the respondent with the Board. A copy shall also be sent first class mail.

(4) Answer. The respondent shall within thirty (30) days of service of the summons and complaint file with the Board, and serve counsel for the Board an Answer, admitting or denying the allegations and charges set forth therein. Failure to file an Answer within the time permitted by this rule without good cause shall be construed as an admission that the factual averments contained in the complaint are true.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §§41-22-4(a) (2) (1991); 41-22-12 (1996 Supp.); 34-30-5 (1991).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998 (~~See Rule 850-X-1-.19~~).

850-X-10-.06 Disciplinary Hearings Generally.

(1) Hearing Open to Public. Unless otherwise provided by law, the hearing shall be open to the public.

(2) Counsel. A party may be represented by counsel at his or her own expense.

(3) Quorum. A quorum for purposes of this rule shall consist of five members of the Board.

(4) Hearing Officer. The Board may, in its discretion, appoint some person to act as hearing officer at disciplinary hearings or contested cases who shall preside at the hearing and rule on all questions of evidence and procedure, notwithstanding any other provisions of these rules to the contrary. In the conduct of a hearing, a hearing officer shall have the following authority:

(a) establish a date, time and place for the hearing;

(b) maintain order;

(c) make a record of the proceedings;

(d) establish reasonable time limits for the conduct of the proceedings;

(e) rule on the admissibility of evidence which shall be in accordance with the Alabama Administrative Procedure Act, Code of Ala. §41-22-13 (1991).

(f) hold a prehearing conference, if necessary, to clarify the matters in dispute; establish the order of presentation; allow and establish time limits for the exchange of exhibits and names of witnesses;

(g) ~~issue subpoenas~~, discovery orders related to relevant matters, and protective orders in accordance with the Alabama Administrative Procedure Act, subject to the reasonable costs of issuance of the subpoenas as may be set from time to time by the Executive Director; and

(h) enter any order on any other matter which will effectuate the conduct of the hearing and promote the administration of justice.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §§34-30-5 (1991); 41-22-4(a) (2) (1991); 41-22-12 (1996 Supp.); 41-22-13 (1991).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998 ~~(See Rule 850-X-1-.19).~~

850-X-10-.07 Prehearing Discovery

(1) Permitted. Prehearing discovery shall be permitted in accordance with this rule to the extent necessary to prevent fraud, conserve the Board's time, prevent undue surprise at hearing and facilitate the carriage of justice.

(2) Extent Allowed. The attorney for the Board or the respondent may upon application to the hearing officer, obtain discovery regarding any matter not privileged which is relevant to the subject matter of the complaint, whether it relates to the charge of the Board or the defense of the respondent.

(3) Methods of Discovery.

(a) Upon written application to the hearing officer, ~~and subject to the reasonable costs of issuance of the subpoenas as may be set from time to time by the executive director,~~ the following discovery shall be allowed or ordered:

1. Deposition upon oral examination of any expert witness;
2. Interrogatories to or deposition upon oral examination of the respondent;
3. Order for production and copying of documents and things and entry upon land for inspection and other purposes, against any person;
4. Discovery as may otherwise be agreed upon between the parties.

(b) The hearing officer may impose such terms and conditions as are just upon discovery in order to protect a person from annoyance, embarrassment, oppression or undue burden or expense.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §41-22-12(c) (1996 Supp.).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998 ~~(See Rule 850-X-1-.19).~~

850-X-10-.08 Conflict and Bias.

(1) No Board member shall deliberate or vote on the merits of any disciplinary matter if the Board member is personally biased against the respondent or when such voting would violate the provisions of the Alabama Administrative Procedure Act, Code of Ala. 1975, §41-22-18(a) (1991).

(2) A party to any formal action or contested case, or respondent in a disciplinary action, who intends to assert bias or conflict on the part of any hearing officer or Board member must do so by filing, at least three days before the scheduled hearing and received in the headquarters of the Board, an affidavit and suggestion of disqualification together with the underlying factual basis for the assertion. In the absence of actual or constructive bias or prejudice, the failure to timely file an affidavit and suggestion of disqualification shall be deemed a waiver of such grounds as error in any appeal.

(3) The hearing officer or Board member to whom a suggestion of disqualification is directed shall consider the assertion of disqualification on the record as a preliminary matter at the hearing before any other question is decided.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §41-22-18 (1991).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998 ~~(See Rule 850-X-1-.19).~~

850-X-10-.09 Conduct of Disciplinary Hearings.

(1) Plea. The respondent shall plead either "guilty" or "not guilty" to the charges set forth in the complaint.

(2) Opening Statement. Each side shall be permitted to make a short opening statement.

(3) Presentation of Evidence. The Investigative Committee for the Board shall present its evidence, followed by the respondent, followed by rebuttal by the Committee. Witnesses will generally be called and examined in the following order:

- (a) Direct examination;
- (b) Cross examination;
- (c) Examination by the Board;
- (d) Re-direct examination;
- (e) Re-cross examination;
- (f) Re-examination by the Board.

(4) Evidence. Evidence shall be allowed in accordance with the Alabama Administrative Procedure Act, Code of Ala. §41-22-13 (1991).

Documentary evidence and testimony which is otherwise admissible in a contested case shall not be rendered inadmissible because of any claim of privilege between social worker and client. All testimony regarding the medical or psychological condition of individuals and all patient or client records produced during the course of the contested case shall be considered confidential and shall not be released to persons who are not parties or participants in the contested case.

(5) Closing Argument. Each side shall be permitted to make a short closing statement summarizing the evidence presented and urging the application of relevant law to the evidence presented.

(6) Oral proceedings shall be recorded either by mechanized means or by a qualified court reporter. The record of oral proceedings shall be maintained for five (5) years from the date of entry of the final order.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §§41-22-12 (1996 Supp.); 41-22-13 (1991); 34-30-5 (1991).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998 ~~(See Rule 850-X-1-.19).~~

850-X-10-.10 Settlement and Informal Disposition. Subject to final approval by the Board, informal dispositions may be made of any matter set for hearing by stipulation, agreed settlement, consent order or default or by another method agreed upon by the parties. An informal disposition shall be reduced to writing, signed by the parties, and made a part of the applicant's or licensee's file. Informal dispositions are considered to be public record.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §§34-30-5 (1991); 41-22-4(a) (2) (1991).

History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998 ~~(See Rule 850-X-1-.19).~~

850-X-10-.11 Hearing Officer's Decision and Recommendation.

(1) Upon completion of a hearing, the hearing officer shall prepare a written decision and recommendation. The decision shall contain a statement of facts found by the hearing officer, a recitation of the application of the facts found to the applicable statutes, rules, regulations, policies, and procedures, and a proposed recommendation as to the merits of the matters presented for review including recommended discipline if appropriate.

(2) The hearing officer may request one or both sides to prepare for the hearing officer's consideration a proposed order of the Board including findings of fact, official notice and conclusions of law. Underlying facts of record which support the findings should be cited.

(3) The hearing officer's decision and recommendation along with the record shall be submitted to the executive director of the Board within forty-five (45) calendar days after the hearing is concluded. The hearing officer's decision and recommendation shall be communicated by the Board in person or by certified mail.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §§41-22-12 (1996 Supp.); 41-22-15 (1991).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998; October 4, 2014 ~~(See Rule 850-X-1-.19).~~

850-X-10-.12 Final Order of the Board.

(1) Final Order. A quorum for purposes of rendering a final decision and order pursuant to this rule shall consist of five members of the Board. The Board shall issue a final order within forty-five (45) days of the date of receipt of the hearing officer's decision and recommendation. The final decision and order shall include findings and grounds therefore. If the Board does not enter a separate written final decision and order within the time frames stated above, unless otherwise extended by agreement of the parties in writing, the decision and recommendation of the hearing officer shall be deemed the final order of the Board by operation of law.

(2) The Board may affirm in whole or in part, reject or modify the recommendation of the hearing officer; provided, however, the Board may reject or modify a recommendation of the hearing officer that supports the position of the respondent only if it is clearly established that the hearing officer's findings, inferences, conclusions or decisions are:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority;
- (c) in violation of the state plan, or a department or program rule;
- (d) made upon unlawful procedure;
- (e) affected by other error of law;
- (f) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (g) unreasonable, arbitrary or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.

(3) The respondent or other interested party shall be delivered a copy of the final order by first class mail, and a copy shall be mailed first class to each attorney of record.

(4) The time limits set forth in this rule may be waived or extended by written agreement of the parties.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §§34-30-5 (1991); 41-22-15 (1991); 41-22-16 (1991).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998; October 4, 2014 (~~See Rule 850-X-1-.19~~).

850-X-10-.13 Imposition of Discipline

(1) Upon a finding that the respondent has violated any of the enumerated provisions of Code of Ala. 1975, §34-30-4 (1991), or any rule established by the Board, including the Standards of Professional Conduct & Ethics, the Board may impose any or all of the disciplinary penalties set forth in ALA. CODE § 34-30-4 (1991) including refusing to renew a license or certification, suspension or revocation of a license or certification, imposition of a private or public censure, probation, and the levy of administrative fines of not more than \$500.00 for each violation.

(2) Consideration. In determining whether a license or certification should be revoked or suspended, and whether execution of the order should be stayed, and upon what conditions; and whether to levy an administrative fine; or impose a public or private censure; the Board shall consider all relevant factors, including, but not limited to the following:

- (a) the severity of the offense;
- (b) the danger to the public;
- (c) the number of repetitions of the offense;
- (d) the length of time since the date of violation;
- (e) the number of complaints filed against the respondent;
- (f) the length of time the respondent has practiced;
- (g) the actual damage to the complainant and/or the public;
- (h) the deterrent effect of the penalty imposed;
- (i) the effect of the penalty upon the respondent's livelihood;
- (j) any efforts or rehabilitation; and
- (k) any other mitigating or aggravating circumstances.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §34-30-4 (1996 Supp.).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998 (~~See Rule 850-X-1-.19~~).

850-X-10-.14 Stay of Execution of Order. The Board may, in its discretion, stay the execution of its order to censure, place on probation, fine, revoke or suspend a license or certification. The stay may be conditioned on any provision the Board deems appropriate under the circumstances of any particular case. The filing of an application for rehearing or notice of appeal does not itself stay enforcement of the Board's decision.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §§34-30-5 (1991); 41-22-17 (1991).

History: Repealed and Replaced: Filed: October 31, 1997; Operative December 5, 1997; effective January 1, 1998 (~~See Rule 850-X-1-.19~~).

850-X-10-.15 Rehearing, Appeal and Judicial Review.

(1) A respondent in a disciplinary or other contested case proceeding who is aggrieved by a final order of the Board may within 15 days after entry of said order file an application for rehearing as provided in ALA. CODE §41-22-17 (1991). If the Board does not grant the application by the next regularly scheduled Board meeting following 30 days from filing, and unless otherwise extended by agreement of the parties in writing, the application for rehearing shall be deemed denied by operation of law. While encouraged, the filing of an application for rehearing is not a prerequisite to judicial review.

(2) A respondent in a disciplinary or other contested case proceeding who is aggrieved by a final order of the Board or denial of an application for rehearing may seek judicial review within 30 days after entry of the order or denial by filing a notice of appeal and a cost bond with the Board to cover the reasonable costs of preparing the transcript of the proceeding under review as provided in Code of Ala. 1975, §41-22-20 (1991) and §34-30-5 (1991).

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §§34-30-5 (1991); 41-22-20 (1996 Supp.).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997, effective January 1, 1998 ~~(See Rule 850-X-1-.19).~~

850-X-10-.16 Record of Proceedings. The record of a hearing shall include:

- (1) all pleadings, motions, and intermediate rulings;
 - (2) all evidence received during the hearing;
 - (3) a statement of all matters officially noticed;
 - (4) the record of oral proceedings;
 - (5) all questions and offers of proof, objects and rulings thereon;
 - (6) the written decision and recommendation of the hearing officer; and
 - (7) the decision and final order of the Board.
- (8) Oral proceedings shall be transcribed at the request of any party with the expense of the transcript charged to the requesting party.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §§34-30-5 (1991); 41-22-12 (1996 Supp.).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998 ~~(See Rule 850-X-1-.19).~~

850-X-10-.17 Reinstatement of License or Certification After Revocation.

(1) Application for Reinstatement. Reinstatement is a matter of discretion, and not of right. Any person whose license or certification has been revoked may not apply to the Board for reinstatement of the license or certification until two years have elapsed since the revocation, except in the case of a person convicted of a crime of moral turpitude in which case five years shall have elapsed since said conviction and the person's civil rights shall have been restored. In the application for reinstatement, the applicant should state why the license or certification should be reinstated and should specifically set forth any changed circumstances which would justify reinstatement. An applicant must include in the application evidence that the current requirements for licensure and certification have been met.

(2) Board Action. Upon receipt of an application for reinstatement the Board may in its discretion grant an applicant a hearing on

reinstatement, at which time the applicant may appeal to the Board to reinstate his/her license or certification.

(3) Burden of Proof. In any application for reinstatement, the applicant shall have the burden of establishing to the reasonable satisfaction of the Board that the applicant is entitled to the specific relief requested.

(4) Terms and Conditions. In the event an application for reinstatement is granted, the Board may impose such probationary terms and conditions as are necessary in its judgment to protect the public.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §§34-30-5 (1991); 41-22-12 (1996 Supp.).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998 ~~(See Rule 850-X-1-.19).~~

850-X-10-.18 Reinstatement of Expired License

The Board may reinstate an expired license within five (5) years of the expiration upon the payment of the fine of five hundred (\$500.00) dollars, the payment of the current license renewal fee, and proof of thirty (30) hours if reactivated within the first year of expiration; should the license be expired longer than one year but less than five an additional requirement of fifteen (15) contact hours will be required with the maximum of ninety (90) contact hours.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §§34-30-5 (1991); 41-22-12 (1996 Supp.).

History: Filed June 30, 2014; effective October 4, 2014 ~~(See Rule 850-X-1-.19).~~